

09/606,692 -- CRAIG et al.

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-40 are unchanged and remain pending in the application.

Claims 1-5, 13-15, 21-25 and 33-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cave et al. (US 6,404,746) in view of Korpi et al. (US 6,636,528). This rejection is respectfully traversed.

According to an embodiment disclosed in the specification, the user interface resource initiates bridging of the RTP audio streams of the two call legs while maintaining control of both legs. Hence, a subscriber may suspend his or her session with the user interface resource and call the destination party and then return to the user interface resource upon completion of the call with the destination party.

The claims recite "resuming the user interface session with the user interface resource in response to detecting a second prescribed condition between the subscriber and the destination party." In response to Applicants' previous argument that the prior art of record does not teach or suggest this resuming step, the Examiner contends in paragraph 5 of the Action that Cave teaches "VoIP driver 944 sends DROP-RTP A-to-B Message 972 (suspend task) to gateway 966 to command gateway 966 to drop the media stream. VoIP driver 964 then sends NEW-RTP A-to-VRU message 976 to gateway 966 to reestablish (resume task) the media stream from gateway 966 to the VRU." The Examiner then states that "When a resource becomes available, the suspended task is resumed, and the instructions accessing the resource is re-established."

Applicants contend that Cave does not teach the user interface session being resumed in response to detecting a second prescribed condition between the subscriber and the destination party. Cave states that the RTP sessions and H.323 calls are torn down once a call is terminated (see column 15, lines 56-59 of Cave). To make a new phone call, application server re-establishes an RTP session. This is a new session, but since the service application has already validated the caller, only the PSTN phone number is needed (see column 16, lines 36-35 of Cave). Applicants submit that in Cave, "re-establish" does not mean "resume" as claimed, but means "new". This is evident by the use of the terms "DROP" and "NEW" as discussed above

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and as shown in FIG. 8 of Cave. In particular, Cave relates to redirecting media messages between gateways. For example, a media message is dropped between gateway 948 and the VRU and an new media stream is established between gateway 946 and gateway 948. Cave further states at column 20, lines 16-20, "After the media streams are torn down, the VRU may either command the gateways to tear down the call controls, or the VRU may command the gateways to set up new RTP sessions with the VRU, similar to the structure that existed before the media redirection." Thus, it is clear that there is no teaching or suggestion of resuming the user interface session with a user interface resource in response to detecting a second prescribed condition between a subscriber and a destination party in Cave.

In addition, the Examiner's comments in paragraph 5 of the final Office with regard to Cave teaching a resuming step are inconsistent with the rejection of paragraph 7 of the Action, since in paragraph 7, the Examiner notes that Cave does not teach or suggest "connecting the first and second RTP data streams in response to a call command from the subscriber and resuming the interface session with the subscriber in response to a detected condition between the subscriber and the destination party." (Emphasis added). The Examiner stated that Cave teaches the claimed resuming step and then states Cave is different from the claims since Cave does not teach a the connecting and resuming steps.

The Examiner cites Korpi et al. as teaching a method of switching data in a telecommunications network with a switching device and contends that it would have been obvious "to implement a computer program product in Cave in view of Korpi for performing the steps and apparatus as recited in the claims..."

Applicants submit that even if the teachings of Korpi and Cave were combined, the hypothetical combination would not disclose or suggest resuming a user interface session with the user interface resource in response to detecting a second prescribed condition between the subscriber and the destination party. As noted above, Cave does not teach or suggest resuming a user interface session. Korpi discloses a telecommunications system having an interface unit to accommodate different signaling protocols. Korpi teaches away from resuming a user interface session, since Korpi teaches a line switching center telecommunications system in which voice

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channels are connected for the duration of a call (see column 5, lines 42-46 of Korpi). Thus, there is no teaching or suggestion in Korpi (or the hypothetical combination) of resuming a user interface session, established by a RTP data stream according to H.323 protocol, once a prescribed condition between a subscriber and destination party is detected.

For these reasons, the rejection is improper and should be withdrawn.

Claims 11-12, 18-20, 31-32 and 38-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cave in view of Korpi and further in view of Gallant et al. (U.S. 6,636,596). This rejection is respectfully traversed. These claims depend from independent claims 1, 9, 13, 21, and 33 and are considered to be allowable for the reasons advanced above, and for the additional reason that the added subject matter thereof is neither taught nor suggested by the prior art of record.

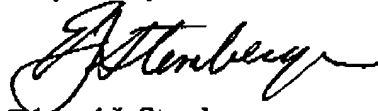
The Examiner indicated that claims 6-10, 16-17, 26-30 and 36-37 contain allowable subject matter. These claims have not been rewritten in independent format since the base claims are considered to be allowable over the prior art of record for the reasons advanced above.

In view of the foregoing, it is believed this application is in condition for allowance, and such as Notice is respectfully solicited.

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To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-430, and please credit any excess fees to such deposit account.

Respectfully submitted,



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Customer No. 23164

Date: Monday, June 21, 2004
June 19, 2004 = Saturday

RECEIPT FROM PTO FOR INDICATED ITEMS

(Do **NOT** Use for New or Continuing Applications of Any Kind)
Use 2 postcards for all New Applns. (Cont/Div/CIP, too)

| | |
|----------------------------|------------------------|
| Application No. 09/606,692 | Attorney: Stemberger |
| First Inventor: CRAIG | Date: October 19, 2004 |
| | Matter No: 95-430 |
| | Client No: |

ENCLOSED:

☒ 116 Amendment ☒ Cover Sheet ☐ Cited/Listed

☐ Completion Request for R 53(f)

☐ No. of Pages Abstract

☐ No. of Pages Spec and Claims

☐ No. of Numbered Claims Only

☐ No. of Sheets of

☐ 1 Set ☐ 1 Set formal ☐ Cover Letter

☐ Declaration ☐ # of pages

☐ Assignment ☐ Cover Sheet

☐ No. of Priority Documents

☐ IDS including PTO-SB/08A

☐ Cited ref. ☐ PCT Search Report

☐ Issue Fee Transmittal Form PTOL-85(b) + (c)

\$ **980.00**

OTHER:

Current DUE DATE: **October 19, 2004**

(Submit Single Copy Only)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Re: Appeal to the Board of Patent Appeals and Interferences

In re PATENT application of
CRAIG

Group Art Unit: 2782

Application No. 10/606,692

Examiner: Phan, Man

Filed: June 30, 2000

Docket: 95-430

Title: **SCALABLE VOICE OVER IP SYSTEM PROVIDING
 INDEPENDENT CALL BRIDGING FOR OUTBOUND
 CALLS INITIATED BY USER INTERFACE APPLICATIONS**

Date: October 19, 2004

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

- 1 ☒ **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision (not Advisory Action) dated April 19, 2004 of the Examiner twice/finally rejecting claims 1-40
- 2 ☐ **BRIEF** on appeal in this application attached in triplicate.
- 3 ☐ An **ORAL HEARING** is respectfully requested under Rule 194 (due two months after Examiner's Answer — unextendable).
- 4 ☐ Reply Brief is attached in triplicate (due two months after Examiner's Answer — unextendable).

| | | | |
|--|--|---|------------------|
| 5. FEE CALCULATION: | | Large/Small Entry | |
| If box 1 above is X'd, see box 12 below <u>first</u> and decide: | | enter | \$330/165* |
| If box 2 above is X'd, see box 12 below <u>first</u> and decide: | | enter | \$330/165* |
| If box 3 above is X'd, see box 12 below <u>first</u> and decide: | | enter | \$290/145* |
| If box 4 above is X'd, | | enter nothing | - 0 - (no fee) |
| 6. Original due date: July 19, 2004 | | | |
| 7. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached | | (1 mo) \$110/\$55 (2 mos) \$420/\$210 (3 mos) \$950/\$475 (4 mos) \$1480/\$740 | |
| 8. Enter any previous extension fee paid [] previously since above <u>original</u> due date (item 6); [X] with concurrently filed amendment | | | |
| 9. Subtract line 8 from line 7 and enter: Total Extension Fee | | | + |
| 10. TOTAL FEE ATTACHED = | | | \$ 340.00 |

11. ☐ *Fee **NOT** required if/since paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits.

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order No. 50-1130/95-430 for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Atty: 
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Form: PTO/SB/17 (10/04)

| | | |
|--|----------------------|----------------------------|
| REPLY/AMENDMENT FEE TRANSMITTAL | Attorney Docket No. | 95-430 |
| | Application Number | 09/606,692 |
| | Filing Date | June 30, 2004 |
| | First Named Inventor | Craig |
| | Group Art Unit | 2782 |
| AMOUNT ENCLOSED | \$ 980.00 | Examiner Name Phan, Man |

FEE CALCULATION (fees effective 10/01/04)

| CLAIMS AS AMENDED | Claims Remaining After Amendment | Highest Number Previously Paid For | Number Extra | Rate | Calculations |
|--|----------------------------------|------------------------------------|------------------|-------------|------------------|
| TOTAL CLAIMS | 35 ⁽¹⁾ | 40 ⁽²⁾ = | - ⁽³⁾ | X \$18.00 = | \$ 0 |
| INDEPENDENT CLAIMS | 4 ⁽⁴⁾ | 4 ⁽⁵⁾ = | - ⁽⁶⁾ | X \$85.00 = | \$ 0 |
| Since an Official Action set an <u>original</u> due date of <u>July 19, 2004</u> , petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$110); 2 months (\$430); 3 months (\$980); 4 months (\$1,530); 5 months (\$2,080)): | | | | | \$ 980.00 |
| If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$110) | | | | | \$ 0 |
| Total of above Calculations = | | | | | \$ 0 |
| Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28) | | | | | |
| Information Disclosure Fee = | | | | | |
| TOTAL FEES DUE = | | | | | \$ 980.00 |

- (1) If entry (1) is less than entry (2), entry (3) is "0".
 (2) If entry (2) is less than 20, change entry (2) to "20".
 (4) If entry (4) is less than entry (5), entry (6) is "0".
 (5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

- ☒ Check enclosed as payment.
☐ Charge "TOTAL FEES DUE" to the Deposit Account No., below.

AUTHORIZATION

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees under 37 CFR 1.16 or 1.17 necessary to maintain pendency of the present application to:

Deposit Account No.

50-1130

under order No. 95-430

Deposit Account Name

Leon R Turkevich

SUBMITTED BY: -- CUSTOMER NO. 23164

Typed Name Edward J. Stemberger

Reg. No. 36,017

Signature

Date

October 19, 2004

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Docket No.: 95-430

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :

CRAIG, et al. :

Serial No.: 09/606,692 :

Group Art Unit: 2782

Filed: June 30, 2000 :

Examiner: Phan, Man

For: SCALABLE VOICE OVER IP SYSTEM PROVIDING INDEPENDENT CALL
BRIDGING FOR OUTBOUND CALLS INITIATED BY USER INTERFACE
APPLICATIONS

AMENDMENT UNDER RULE 116

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the final Official Action dated April 19, 2004, please enter the following Amendment

and Remarks:

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IN THE CLAIMS:

1. Canceled
2. (Currently Amended) The method of claim 6, wherein the initiating step includes:
determining a destination phone number from the command and initiating a call to the destination
phone number;
storing H.245 protocol capabilities of the destination phone number as the call is initiated; and
establishing the second RTP data stream to the destination party upon termination of the call.
3. (Original) The method of claim 2, wherein the step of initiating a call to the destination phone
number includes initiating the call by the user interface resource using an IP telephony gateway.
4. (Original) The method of claim 3, wherein the step of establishing the second RTP data stream
includes initiating the second RTP data stream in response to detecting an off hook condition at the
destination phone number.
5. (Original) The method of claim 2, wherein the determining step includes identifying the destination
phone number by one of:
using speech recognition to recognize the destination phone number from the command; and
accessing a database, configured for storing telephone numbers relative to prescribed subscriber
commands, for retrieval of the destination phone number based on the command.
6. (Currently Amended) A method in a user interface resource configured for providing user interface
services to a subscriber, the method comprising:

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establishing a first Real Time Protocol (RTP) data stream for a user interface session with the subscriber according to H.323 protocol;

initiating a second RTP data stream to a destination party in response to reception of a command from the subscriber;

connecting the first and second RTP data streams in response to detecting a first prescribed condition from the destination party; and

resuming the user interface session with the user interface resource in response to detecting a second prescribed condition between the subscriber and the destination party.

The method of claim 1, wherein the step of connecting the first and second RTP data streams includes closing the first and second RTP data streams to the user interface resource by sending to an IP telephony gateway, configured for establishing the first and second RTP data streams with the subscriber and the destination party, respectively, Empty Capability Set messages across an H.245 protocol channel for the first and second RTP data streams, respectively, wherein the IP telephony gateway in response closes the first and second RTP data streams to the user interface resource.

7. (Original) The method of claim 6, wherein the step of connecting the first and second RTP data streams further includes:

resetting the IP telephony gateway to an initialized state by sending a Non-Empty Capability Set message for the first and second RTP data streams; and

connecting within the IP telephony gateway a first port servicing the first RTP data stream with a second port servicing the second RTP data stream.

8. (Original) The method of claim 7, wherein the step of connecting the first and second port includes supplying to the IP telephony gateway a first RTP port number specifying the first port for connection with the second port, and a second RTP port number specifying the second port for connection with the first port.

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9. (Original) The method of claim 7, wherein the resuming step includes:
detecting a disconnect message based on the destination party disconnecting from the second RTP data stream;
sending an acknowledgment to the IP telephony gateway to clear the second RTP data stream; and
reconnecting with the first RTP data stream to resume the user interface session.
10. (Original) The method of claim 9, wherein the reconnecting step includes:
reissuing an Empty Capability Set Message to the IP telephony gateway for the first RTP data stream; and
setting up the first RTP data stream for reception by the user interface resource.
11. (Currently Amended) The method of claim 6, wherein the resuming step includes:
detecting a disconnect message based on the destination party disconnecting from the second RTP data stream;
sending an acknowledgment to an IP telephony gateway to clear the second RTP data stream; and
reconnecting with the first RTP data stream to resume the user interface session.
12. (Original) The method of claim 11, wherein the reconnecting step includes:
issuing an Empty Capability Set Message to the IP telephony gateway for the first RTP data stream;
and
setting up the first RTP data stream for reception by the user interface resource.
13. Canceled

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14. (Currently Amended) The system of claim 16 13, wherein the user interface resource establishes the call by sending bridging commands to the IP telephony gateway, the IP telephony gateway in response closing the first and second RTP data streams to the user interface resource and bridging the first and second RTP data streams.

15. Canceled

16. (Currently Amended) A system configured for providing user interface services to a subscriber over an Internet protocol (IP) telephony link, the system comprising:

an IP telephony gateway configured for establishing Real Time Protocol (RTP) data stream connections according to H.323 protocol; and

a user interface resource configured for establishing a first RTP data stream connection with the subscriber via the IP telephony gateway for a user interface session, the user interface resource configured for initiating a second RTP data stream to a destination party for establishment of a call between the subscriber and the destination party in response to a call command from the subscriber, the user interface resource resuming the user interface session with the subscriber in response to a detected disconnect condition between the subscriber and the destination party.

wherein the user interface resource outputs Empty Capability Set messages for the first and second RTP data streams to the IP telephony gateway across an H.245 channel, the IP telephony gateway in response closing the first and second RTP data streams to the user interface resource.

The system of claim 15, wherein the user interface resource outputs Non-Empty Capability Set messages for the first and second RTP data streams to the IP telephony gateway across the H.245 channel, the IP telephony gateway in response initiating bridging of the first and second RTP data streams.

17. (Original) The system of claim 16, wherein the IP telephony gateway initiates the bridging by sending an Open Logical Channel request to the user interface resource, the user interface resource in

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response sending an acknowledgment and media stream addresses for the first and second RTP data streams, the IP telephony gateway bridging the first and second RTP data streams based on the media stream addresses.

18. (Currently Amended) The system of claim 16 ~~13~~, wherein the user interface resource, in response to detecting the disconnect condition, outputs to the IP telephony gateway an Empty Capability Set message for the first RTP data stream and an acknowledgment to clear the second RTP data stream, for reconnection of the first RTP stream with the user interface resource.

19. (Currently Amended) The system of claim 16 ~~13~~, wherein the user interface resource determines a destination telephone number for the destination party based on recognizing speech representing the destination telephone number within the call command.

20. (Currently Amended) The system of claim 16 ~~13~~, wherein the user interface resource determines the destination telephone number for the destination party based on retrieval from a database, configured for storing telephone numbers for prescribed destinations, using the destination party as a search key.

21. Canceled

22. (Currently Amended) The medium of claim 26 ~~21~~, wherein the initiating step includes:
determining a destination phone number from the command and initiating a call to the destination phone number;

storing H.245 protocol capabilities of the destination phone number as the call is initiated; and
establishing the second RTP data stream to the destination party upon termination of the call.

DEC-02-2004 07:40 FROM: MANELLI DENISON

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TO: USPTO

P. 20/25

7

PAGE 20/25 * RCVD AT 12/2/2004 7:38:34 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:2028870336 * DURATION (mm-ss):06-02

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gateway, configured for establishing the first and second RTP data streams with the subscriber and the destination party, respectively, Empty Capability Set messages across an H.245 protocol channel for the first and second RTP data streams, respectively, wherein the IP telephony gateway in response closes the first and second RTP data streams to the user interface resource.

27. (Original) The medium of claim 26, wherein the step of connecting the first and second RTP data streams further includes:

resetting the IP telephony gateway to an initialized state by sending a Non-Empty Capability Set message for the first and second RTP data streams; and

connecting within the IP telephony gateway a first port servicing the first RTP data stream with a second port servicing the second RTP data stream.

28. (Original) The medium of claim 27, wherein the step of connecting the first and second port includes supplying to the IP telephony gateway a first RTP port number specifying the first port for connection with the second port, and a second RTP port number specifying the second port for connection with the first port.

29. (Original) The medium of claim 27, wherein the resuming step includes:

detecting a disconnect message based on the destination party disconnecting from the second RTP data stream;

sending an acknowledgment to the IP telephony gateway to clear the second RTP data stream; and reconnecting with the first RTP data stream to resume the user interface session.

30. (Original) The medium of claim 29, wherein the reconnecting step includes:

reissuing an Empty Capability Set Message to the IP telephony gateway for the first RTP data stream; and setting up the first RTP data stream for reception by the user interface resource.

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31. (Currently Amended) The medium of claim ~~26~~ 21, wherein the resuming step includes:
detecting a disconnect message based on the destination party disconnecting from the second RTP data stream;

sending an acknowledgment to an IP telephony gateway to clear the second RTP data stream; and
reconnecting with the first RTP data stream to resume the user interface session.

32. (Original) The medium of claim 31, wherein the reconnecting step includes:
issuing an Empty Capability Set Message to the IP telephony gateway for the first RTP data stream;
and
setting up the first RTP data stream for reception by the user interface resource.

33. Canceled

34. (Currently Amended) The system of claim ~~36~~ 33, wherein the means for establishing establishes the call by sending bridging commands to the IP telephony gateway, the IP telephony gateway in response closing the first and second RTP data streams to the means for establishing and bridging the first and second RTP data streams.

35. (Currently Amended) The system of claim ~~36~~ 33, wherein the means for establishing outputs Empty Capability Set messages for the first and second RTP data streams to the IP telephony gateway across an H.245 channel, the IP telephony gateway in response closing the first and second RTP data streams to the means for establishing.

36. (Currently Amended) A system configured for providing user interface services to a subscriber over an Internet protocol (IP) telephony link, the system comprising:

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an IP telephony gateway configured for establishing Real Time Protocol (RTP) data stream connections according to H.323 protocol; and

means for establishing a first RTP data stream connection with the subscriber via the IP telephony gateway for a user interface session, the means for establishing initiating a second RTP data stream to a destination party for establishment of a call between the subscriber and the destination party in response to a call command from the subscriber, the means for establishing resuming the user interface session with the subscriber in response to a detected disconnect condition between the subscriber and the destination party.

The system of claim 35, wherein the means for establishing outputs Non-Empty Capability Set messages for the first and second RTP data streams to the IP telephony gateway across the H.245 channel, the IP telephony gateway in response initiating bridging of the first and second RTP data streams.

37. (Original) The system of claim 36, wherein the IP telephony gateway initiates the bridging by sending an Open Logical Channel request to the means for establishing, the means for establishing in response sending an acknowledgment and media stream addresses for the first and second RTP data streams, the IP telephony gateway bridging the first and second RTP data streams based on the media stream addresses.

38. (Currently Amended) The system of claim 36 33, wherein the means for establishing, in response to detecting the disconnect condition, outputs to the IP telephony gateway an Empty Capability Set message for the first RTP data stream and an acknowledgment to clear the second RTP data stream, for reconnection of the first RTP stream with the means for establishing.

39. (Currently Amended) The system of claim 36 33, wherein the means for establishing determines a destination telephone number for the destination party based on recognizing speech representing the destination telephone number within the call command.

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40. (Currently Amended) The system of claim 36 33, wherein the means for establishing determines the destination telephone number for the destination party based on retrieval from a database, configured for storing telephone numbers for prescribed destinations, using the destination party as a search key.

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REMARKS

Reconsideration and entry of the above amendments are respectfully requested. Claims 2, 6, 11, 14, 16, 18-20, 22, 26, 31, 34-36, and 38-40 have been amended. Claims 1, 13, 15, 21, and 33 have been cancelled. Thus, claims 2-12, 14, 16-20, 22-32, and 34-40 are pending.

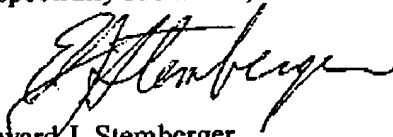
Applicants have not received an Advisory Action with regard to the Response under Rule 116 filed on June 21, 2004. A copy of that Response was faxed to the Examiner on October 7, 2004. In any event, to place this application in condition for allowance, allowable claims 6, 16, 26, and 36 have been re-written in independent format. All pending claims depend from these independent claims.

To ensure that this application remains pending, a Notice of Appeal accompanies this Amendment along with the appropriate extension fees.

In view of the foregoing, it is believed this application is in condition for allowance, and such as Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-430, and please credit any excess fees to such deposit account.

Respectfully submitted,


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Date: October 19, 2004